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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

18 BUDDY WEBSTER p/k/a BUDDY
19 BLAZE,

20 Plaintiff,

21 v.

22 DEAN GUITARS; ARMADILLO
ENTERPRISES, INC.; ARMADILLO
23 DISTRIBUTION ENTERPRISES,
INC.; ESTATE OF DIMEBAG
24 DARRELL ABBOTT, an unknown
entity; and DOES 1-10 inclusive,

25 Defendants.
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Case No. 2:17-cv-03027-JFW-MRW

**SUPPLEMENTAL JOINT
STATEMENT RE: LOCAL RULE
7-3 CONFERENCE FOR MOTION
TO TRANSFER AND TO DISMISS**

Judge: Hon. John F. Walter

1 On June 19, 2017, Plaintiff Buddy Webster p/k/a Buddy Blaze (“Plaintiff”)
 2 and Defendants Dean Guitars, Armadillo Enterprises, Inc., Armadillo Distribution
 3 Enterprises, Inc. (collectively, the “Armadillo Defendants”) and the Estate of
 4 Dimebag Darrell Abbott (the “Estate”) (collectively, “Defendants”) submitted a
 5 joint statement pursuant to Local Rule 7-3 and the Court’s Standing Order (ECF # 9)
 6 regarding Defendants’ anticipated motion to transfer the case to the U.S. District
 7 Court for the Middle District of Florida.

8 In the course of exchanging communications regarding the motion to transfer,
 9 Plaintiff’s counsel produced to Defendants’ counsel a 2007 email from the
 10 Armadillo Defendants’ late CEO Elliott Robinson. The email was sent to and
 11 received by Plaintiff and states:

12 Hi Buddy

13 Hope you are doing well and business is good. I bet the weather
 14 there is amazing. I have taken some time and spoken to several
 15 “people in the know” and *the consensus concerning Dime’s graphic*
 16 *is that Dime’s estate is the legal owner of it.* With that said, I still
 17 would like to work with you on a Dime project because I am not
 18 about making enemies but keeping friends.

19 Rita and I have plans to do a relic Dean From Hell and would like
 20 you involved for a royalty. Is that of interest?

21 Elliott

22 Defendants believe that this email shows that Plaintiff made a claim of
 23 ownership sometime before April 30, 2007 and Defendants rejected
 24 it. Consequently, Defendants believe that the statute of limitations on Plaintiff’s
 25 claim has thus run, and Plaintiff’s case is time-barred. *Seven Arts Filmed Entm’t*
 26 *Limited v. Content Media Corp.*, 733 F.3d 1251 (9th Cir. 2013) (regardless of the
 27 form of the suit, if ownership is the gravamen of the dispute, the three-year statute
 28 of limitations accrues upon a clear and express repudiation of plaintiff’s ownership).

1 On June 20, 2017, Defendants' counsel informed Plaintiff's counsel that
2 Defendants would bring a motion to dismiss on the ground that Plaintiff did not file
3 his lawsuit within 3 years of repudiation of his ownership of the asserted copyright.

4 On Wednesday, June 21, at 5:00 PM PST, Plaintiff's and Defendants' counsel
5 conducted a supplemental meet-and-confer regarding the potential motions to
6 transfer and to dismiss.

7 Alan Weil (lead counsel), Doug Rettew, Anna Naydonov, and Joshua
8 Sussman participated in the meet-and-confer for the Armadillo Defendants and the
9 Estate.

10 Eric Bjorgum participated in the meet-and-confer for Plaintiff.

11 The telephonic meet-and-confer lasted approximately 15 minutes.

12 Counsel for Defendants informed Plaintiff's counsel that Defendants intend to
13 file a motion to dismiss the case as barred by the statute of limitations and also, if
14 the case is not dismissed, to transfer it to the Middle District of Florida, Tampa
15 Division, for the convenience of the parties and witnesses and the interests of
16 justice.

17 Plaintiff's counsel reiterated that Plaintiff would oppose transferring the case
18 to the Middle District of Florida. Plaintiff's counsel also stated that Plaintiff's
19 counsel would oppose the motion to dismiss because he believes the cases regarding
20 repudiation of copyright ownership are, in his view, inapplicable here. Plaintiff's
21 counsel also said he would interpose evidentiary objections to the 2007 email
22 produced to Defendants. Plaintiff's counsel further objected to using documents
23 outside of the pleadings for a motion under FRCP 12(b)(6).

1 DATED: June 23, 2017

KARISH & BJORGUM, PC

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4 By: /s/ Eric Bjorgum
Eric Bjorgum
5 *Attorney for Buddy Webster p/k/a Buddy*
6 *Blaze*

7 DATED: June 23, 2017

KENDALL BRILL & KELLY LLP

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9
10 By: /s/ Alan Jay Weil
11 Alan Jay Weil
12 Joshua W. Sussman

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